

KAVANAGH MALONEY & OSNATO LLP
Attorneys for Defendants
415 Madison Avenue
New York, N.Y. 10017
212-207-8400

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KAT HOUSE PRODUCTIONS, LLC d/b/a SURF
CHICK, KATHLEEN MERRICK, PATRICIA J.
WAGNER and AURORA CONTRERAS,

[ECF]

07 CIV 9700(BSJ)(MHD)

Plaintiffs,

-against-

**NOTICE OF MOTION
TO DISMISS THE ACTION**

PAUL, HASTINGS, JANOFSKY & WALKER, LLP,
REBECCA KELDER MYERS, KATHERINE CHANG
and CATHERINE M. CLAYTON,

Defendants.

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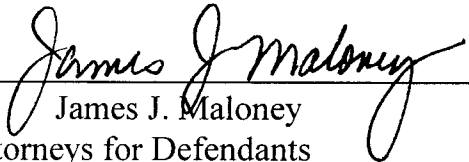
PLEASE TAKE NOTICE that upon the Affidavit of David F. Bayne, Esq., sworn to April 9, 2008, the Declaration of Eve M. Coddon, dated January 16, 2008 and the Exhibits thereto, including the Amended Verified Complaint annexed thereto as Exhibit B, the Memorandum of Law, dated April 9, 2008 submitted herewith, and upon all the prior pleadings and proceedings had herein, Defendant Katherine Chang, by her undersigned counsel, will move this Court before the Honorable Barbara S. Jones at the United States Courthouse, 500 Pearl Street, New York, New York, for an Order pursuant to Federal Rules of Civil Procedure Rule 12(b)(1) and (6) dismissing the action against her on the grounds that

this Court lacks subject matter jurisdiction over the action, and, in the alternative, for failure to state a claim upon which relief can be granted against Defendant Chang.

PLEASE TAKE FURTHER NOTICE, that, pursuant to Rule 6.1(b) of the Local Civil Rules of the Southern and Eastern Districts of New York, answering affidavits and memoranda, if any, must be served upon and received by the undersigned no later than April 25, 2008.

Dated: New York, N.Y.
April 9, 2008

KAVANAGH MALONEY & OSNATO LLP

By 
James J. Maloney
Attorneys for Defendants
415 Madison Avenue
New York, N.Y. 10017
212-207-8400

TO:

EGAN & GOLDEN LLP
Brian T. Egan, Esq.
475 East Main Street, Suite 114
Patchogue, NY 11772
Attorneys for Plaintiffs
631-447-8100

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

The undersigned, being duly sworn, deposes and says:

Deponent is not a party to the action, is over 18 years of age and resides at 81 Metropolitan Oval, Bronx, NY.

That on April 9, 2008 deponent served the annexed

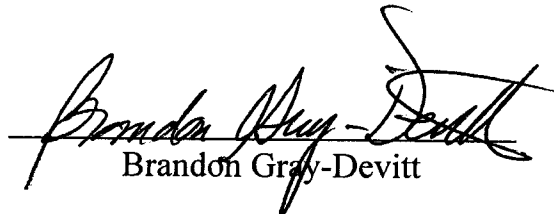
**NOTICE OF MOTION, AFFIDAVIT OF DAVID F. BAYNE,
MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT KATHERINE
CHANG'S MOTION TO DISMISS THE ACTION AND DECLARATION OF EVE
M. CODDON DATED JANUARY 16, 2008**

BY MAIL AND ECF FILING

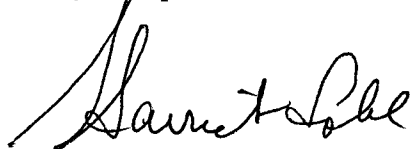
on

Brian T. Egan, Esq., Egan & Golden, LLP, 475 East Main Street, Suite 114, Patchogue, NY 11772, Attorneys for Plaintiffs

by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.


Brandon Gray-Devitt

Sworn to before me this
9th day of April, 2008



Notary Public

HARRIET LOBL
Notary Public, State of New York
No. 01L07578060
Qualified in New York County
Commission Expires January 31, 2011